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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,489	09/08/2003	Han Chang Hsieh	9188.227US01	2029
23552	7590	07/07/2004	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			NGUYEN, SON T	
			ART UNIT	PAPER NUMBER
			3643	

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,489

Applicant(s)

HSIEH ET AL.

Examiner

Son T. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-10 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-10 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The Allowable Subject Matter in the Detailed Action mailed on 1/15/04 has been withdrawn. Claims 1-7,11 have been cancelled. The action is as follow:

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 8-10,12,13** are rejected under 35 U.S.C. 103(a) as being unpatentable over US 3735738 (herein 738) in view of US 5435270 (herein 270) and US 5427060 (herein 060).

For claim 8, 738 discloses a wall-mountable aquarium comprising a slim tank 2, the tank including a transparent front wall (in conjunction with 4,32,26,94), a rear wall 86, opposite left and right side walls 88,90 and a bottom wall 92, with the side and bottom walls being narrower than the front and rear walls (note figs. 1,2,5,7), a fixed enclosure (see fig. 5) provided externally on at least one of the left and right side walls and bottom wall for containing part of accessory for the aquarium, and a frame 4 attached on the front wall, the frame concealing the enclosure from direct sight from the front and including a see-through portion 26 therein to reveal only the living habitat inside the tank through the front wall. 738 has accessories such as heater, light, etc. hidden behind the aquarium. However, 738 is silent about wherein the accessory includes a filtering trough located at the top of the tank, a grate lying on the bottom wall,

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a water pump, and a pipe extending from the pump to reach above the trough, whereby water is deliverable by the pump from the bottom of the tank via the pipe into the trough atop for filtering and then flowing back down into the tank, the trough and the grate being concealed by the frame from direct sight from the front.

060 teaches an aquarium 51,52 in fig. 5, with a filtering trough 57,61 located at the top of the tank, a water pump 65,56, and a pipe 63,66,68,67,69 extending from the pump to reach above the trough, whereby water is deliverable by the pump from the bottom of the tank via the pipe into the trough atop for filtering and then flowing back down into the tank, the trough and the grate being concealed by the frame from direct sight from the front. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a filtering trough, a water pump, a pipe as taught by 060 in the aquarium of 738 in order to clean the aquarium.

270 teaches an aquarium with a grate 22 lying on the bottom wall of the aquarium. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a grate as taught by 270 in the aquarium of 738 in order to aerate the aquarium's water (col. 2, lines 37-40 of 270).

For claim 9, the combination of 738 as modified by 060 & 270 (as explained in claim 8, thus, will not be repeated herein) teaches the pump being inside the tank (note, the tank is the whole assembly refs. 51 & 52 as indicated above) and adjacent to the grate (of 270's teaching) such that it is also concealed by the frame from direct sight from the front, and the pipe extends along a corner of the tank upwardly out of water to

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reach above the trough. Note, the frame of 738 conceals accessories, thus, will not be seen from the front.

For claim 10, the combination of 738 as modified by 060 & 270 (as explained in claim 8, thus, will not be repeated herein) teaches wherein the trough has a bottom wall having small drain holes (col. 1, lines 30-34 of 060's teaching). In addition, 060 teaches a lateral exit 58,64,60 to allow overflow of water back into the tank. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include lateral exit as further taught by 060 in the aquarium of 738 as modified by 060 & 270 in order to allow water to flow back into the tank.

For claims 12 & 13, in addition to the above, 270 further teaches in col. 4, lines 43-47, a background sheet behind the tank covering the rear wall. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a background sheet as further taught by 270 in the aquarium of 738 as modified by 060 & 270 in order to enhance the appearance of the aquarium. In addition, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the sheet inside the tank of 738 as modified by 060 & 270, depending on the user's preference to do so because by placing in the tank or behind the tank, would still result in enhancing the aquarium. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to extend the sheet close to and covering the left and right side walls, turning smoothly round the corners between the walls of the aquarium of 738 as modified by 060 & 270, depending on the

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user's preference to cover the majority of the aquarium or not so as to further enhance the appearance.

4. **Claim 14** is rejected under 35 U.S.C. 103(a) as being unpatentable over US 738 (as above) in view of 270 (as above). See explanation above, esp. for claims 12 & 13.

Response to Arguments

5. Applicant's arguments with respect to all claim have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is (703) 305-0765. The examiner can normally be reached on Monday - Friday from 9:00 a.m. to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon, can be reached at (703) 308-2574. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at (703) 872-9325. The official fax number is 703-872-9306.


Son T. Nguyen
Primary Examiner, GAU 3643
June 28, 2004